UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,621	02/19/2004	Takashi Imai	00862.023464.	1896

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EXAMINER
HASSAN, AURANGZEB

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/780,621	IMAI, TAKASHI
	Examiner	Art Unit	
	Aurangzeb Hassan	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 February 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>19 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement filed 6/14/2004 fails to comply with 37 CFR

1.98(a)(1), which requires the following: (1) a list of all patents, publications,

applications, or other information submitted for consideration by the Office; (2) U.S.

patents and U.S. patent application publications listed in a section separately from

citations of other documents; (3) the application number of the application in which the

information disclosure statement is being submitted on each page of the list; (4) a

column that provides a blank space next to each document to be considered, for the

examiner's initials; and (5) a heading that clearly indicates that the list is an information

disclosure statement. The information disclosure statement has been placed in the

application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3.   Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 17 is directed to a computer program

and computer programs claims as computer listings per se are neither computer

components nor statutory processes, as they are not "acts" being performed. A claimed

computer-readable medium encoded with a computer program is a computer element,

which defines structural and functional interrelationships between the computer program

and the rest of the computer which permit the computer program's functionality to be

realized and is thus statutory. Suggested embodiment would be a computer storage

medium having a control program for information processing apparatus when executed

by a computer to perform the method according to claim 9.

4.   To expedite a complete examination of the instant application, the claims

rejected under 35 U.S.C 101 (non-statutory) above are further rejected as set forth

below in anticipation of applicant amending these claims to place them within the four

statutory categories of invention.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1-6, 9-14, and 17 are rejected under 35 U.S.C. 102(b) as being

anticipated by Pierre Bertin et al. (US Publication Number 2002/0029090, hereinafter

"Pierre").

7.   As per claims 1, 9 and 17, Pierre teaches an apparatus, method and program for

an information processing apparatus capable of communication with an external unit

connected thereto via a connection unit (decoder, element 1, figure 2), comprising: a

first control step of controlling communication between said connected external unit and

said information processing apparatus (first connector, element 11, figure 1A, B, 2); a

second control step of controlling communication between said connected external unit

and said information processing apparatus (second connector, element 12, figure 1A, B,

2); and a switching step of selecting said first control step or said second control step as

a control step of controlling communication between said connected external unit and

said information processing apparatus (switching circuit, element 13, figure 2)   .

8.   As per claims 2 and 10, Pierre teaches an apparatus and method wherein said

switching step has: a determination step of determining the type of said connected

external unit; and a selection step (two positions, lines 1-2, paragraph [0031]) of

selecting said first control step (first position, lines 2-7, paragraph [0031]) or said second

control step (second position, lines 7-12, paragraph [0031]) as said control step for

controlling the communication between said external unit and said information

processing apparatus, in correspondence with the determined type of said external unit

(paragraph [0031]).

9.   As per claims 3 and 11, Pierre teaches an apparatus and method wherein said

first control step is a device control step, and wherein if it is determined at said

determination step that said external unit is a USB host unit in conformity with the

Universal Serial Bus communication standards (on the B type USB connector a

reception of VBUS supply voltage on USB controller, lines 10 – 14, paragraph [0032]) ,

said first control step is selected at said selection step (triggers the switching of the USB

controller to B type, line 13, paragraph [0032]), so as to perform communication

between said external unit and said information processing apparatus at said first

control step (paragraph [0032]).

10.   As per claims 4 and 12, Pierre teaches an apparatus and method wherein said

connection unit is an AB type connector in conformity with the Universal Serial Bus

communication standards, and wherein if a B type connector is connected with said

connection unit, it is determined at said determination step that said external unit is said

USB host unit (first connector is a B type USB connector, paragraph [0019]).

11.   As per claims 5 and 13, Pierre teaches an apparatus and method wherein said

second control step is a host control step, and wherein if it is determined at said

determination step that said external unit is a USB device unit in conformity with the

Universal Serial Bus communication standards (A type USB connector routed to the

inputs/outputs of USB controller, lines 6-7, paragraph [0033]), said second control step

is selected at said selection step (disappearance of signal representative of the

appearance of a supply voltage triggers switching to master mode A type connector,

lines 7-11, paragraph [0033]), so as to perform communication between said external

unit and said information processing apparatus at said second control step (paragraph

[0033]).

12.   As per claims 6 and 14, Pierre teaches an apparatus and method wherein said

connection unit is an AB type connector in conformity with the Universal Serial Bus

communication standards, and wherein if an A type connector is connected with said

connection unit, it is determined at said determination step that said external unit is said

USB device unit (second connector is an A type USB connector, paragraph [0023]).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

14.   Claims 7,8, 15 and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Pierre in view of Ying et al. (US Publication Number 2003/0172223,

hereinafter "Ying").

15.   As per claims 7 and 15, Pierre teaches an apparatus and method comprising: an

execution status determination step of determining an execution status of said first

control step and said second control step (monitoring of voltage on pins and receiving

inputs of a –data signal and a +data signal, paragraphs [0036-0038]).

Pierre fails to teach a warning step of, if it is determined at said execution status

determination step that said first control step or said second control step is in execution,

and said control step, selected from said first step and said second control step in

correspondence with the type of said external unit determined by said determination

step and controlling communication between said external unit and said information

processing apparatus, is in execution, giving a warning to an operator of said

information processing apparatus, wherein at said selection step, said control unit in

execution is selected as said control step of controlling communication between said

external unit and said information processing apparatus.

Ying analogously teaches an apparatus and method comprising: a warning step

of (busy, paragraph [0034]), if it is determined at said execution status determination

step that said first control step or said second control step is in execution, and said

control step, selected from said first step and said second control step in

correspondence with the type of said external unit determined by said determination

step (connected and induced from the data input ends D+ and D-, paragraphs [0030-

0032]) and controlling communication between said external unit and said information

processing apparatus, is in execution, giving a warning to an operator (displayed as red,

yellow and green, paragraph [0040]) of said information processing apparatus, wherein

at said selection step, said control unit in execution is selected as said control step of

controlling communication between said external unit and said information processing

apparatus .

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to modify the system of Pierre with the above teachings of Ying.

One of ordinary skill in the art at the time of the applicant's invention would have been

motivated to make such modification in order to be able to clearly tell the user the

current situation of the host, in a USB switching environment so the user may operate

under a friendlier atmosphere (paragraph [0016]).

16.   Pierre modified by the teachings of Ying as applied to claims 7 and 15 above, as

per claims 8 and 16, Ying teaches an apparatus and method wherein if it is determined

at said use status determination step that said control step in execution has become not

in execution (red light displayed when sharer is busy and host can not switch,

paragraph [0040]), said control step that has been in execution is selected at said

selection step as said control step of controlling communication between said external

unit and said information processing apparatus (yellow light displayed when host is not

in an online state and no other host is using the USB, paragraph [0040]).

Conclusion

17.   Any inquiry concerning this communication or earlier communications from the

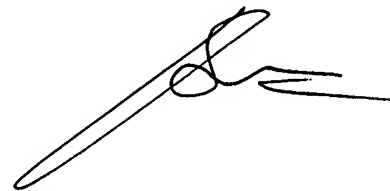examiner should be directed to Aurangzeb Hassan whose telephone number is

(571)272-8625. The examiner can normally be reached on Monday - Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571)272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AH
4/13/2006

KIM HUYNH
SUPERVISORY PATENT EXAMINER

4/17/06